



CITY COUNCIL  
ATLANTA, GEORGIA

08-O-0824

AN ORDINANCE BY  
COUNCILMEMBERS CEASAR C. MITCHELL, CLETA WINSLOW, JOYCE M.  
SHEPERD, MARY NORWOOD, C.T. MARTIN, IVORY LEE YOUNG, JR., KWANZA  
HALL AND H. LAMAR WILLIS

AS SUBSTITUTED BY FULL COUNCIL

AN ORDINANCE TO AMEND ARTICLE V (ENTITLED "OFFENSES BY AND AGAINST MINORS") OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY CREATING A NEW SECTION 106-229 TO BE ENTITLED "CHILD IN NEED OF SUPERVISION" SO AS TO DEFINE A CHILD IN NEED OF SUPERVISION, TO CREATE PENALTIES FOR PARENTS, LEGAL GUARDIANS, AND PERSONS HAVING CUSTODY AND CONTROL OVER MINORS FOUND TO BE CHILDREN IN NEED OF SUPERVISION; AND FOR OTHER PURPOSES.

WHEREAS, crime in the City of Atlanta is increasing during day-time hours; and

WHEREAS, crime statistics indicate that a significant amount of the crimes being committed are being committed by school-age children; and

WHEREAS, as a result, minors between the ages of six and fifteen years of age are in need of supervision during the middle of the day; and

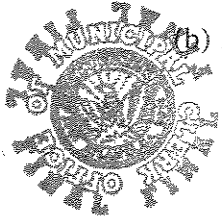
WHEREAS, holding parents, legal guardians, and persons having custody and control over minors who have been found to be children in need of supervision accountable should reduce the number of criminal incidents committed by school-age children.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

**SECTION 1:** That Chapter 106, Article V, (entitled "Offenses By And Against Minors"), of the Code of Ordinances of the City of Atlanta, Georgia, in hereby amended by creating a new Section 106-229, to be entitled "Child in Need of Supervision", which shall provide as follows:

**Sec. 106-229      Child in Need of Supervision**

- (a) Any minor age six (6) through fifteen (15) years old who loiters, wanders, strolls or plays in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a.m. and 2:30 p.m. on any school day shall be considered a Child in Need of Supervision.



(b) A minor shall not be considered a Child in Need of Supervision under the circumstances set forth in items (1) through (6) of Section 106-227 of this Chapter, or in the following instances:

- (1) When the minor is enrolled in a valid home study program as authorized by O.C.G.A. Section 20-2-690;
- (2) When the minor has completed all course study requirements for high school graduation;
- (3) When the minor is married in accordance with applicable law;
- (4) When the minor has written proof from school authorities that he/she is excused from school attendance at that particular time; or
- (5) When the minor is participating in an approved school or study activity which requires the minor to be off school property.

(c) A police officer shall transport any minor charged with being a Child in Need of Supervision, as defined in subsection (a), to a designated school district facility. A minor transported to the school district facility will be released to the custody of the school officials or to the custody of the minor's parent or legal guardian.

(d) It shall be unlawful for the parent, legal guardian or other person having custody or control of any minor, age six (6) through fifteen (15) years old, to knowingly commit an act or knowingly fail to act when such an act or omission would cause the minor to be found to be a Child in Need of Supervision as defined in subsection (a).

- (1) It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor was charged with being a Child in Need of Supervision.
- (2) It shall not be a defense to the offense provided for in subsection (b) that the minor has not been formally found to be a Child in Need of Supervision.
- (3) Upon first conviction of a violation of subsection (b) in the City of Atlanta Municipal Court, a person shall not be fined; upon further convictions, a person shall be subject to a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public right of way of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in section 1-8 of the code. Each violation of subsection (b) shall constitute a separate offense.

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 3210  
8/17/09  
5:16 PM

Atlanta City Council

REGULAR SESSION

08-O-0824

AMEND ART.V OFFENSES AGAINST MINORS

ADOPT ON SUB

YEAS: 11  
NAYS: 3  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Hall	Y Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	N Muller	B Sheperd	NV Borders

08-O-0824

RCS# 3209  
8/17/09  
5:15 PM

Atlanta City Council

REGULAR SESSION

08-O-0824

AMEND ART.V OFFENSES AGAINST MINORS

REFER PSLA

YEAS:	6
NAYS:	8
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

N Smith	N Archibong	Y Moore	N Mitchell
N Hall	Y Fauver	Y Martin	Y Norwood
N Young	Y Shook	N Maddox	N Willis
N Winslow	Y Muller	B Sheperd	NV Borders

08-O-0824

RCS# 3208  
8/17/09  
5:14 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE

CALL THE QUESTION

YEAS: 10  
NAYS: 3  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Hall	Y Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	N Muller	B Sheperd	NV Borders

PROCEDURE

RCS# 3207  
8/17/09  
4:13 PM

Atlanta City Council

REGULAR SESSION

08-O-0824                    AMEND ART.V OFFENSES AGAINST MINORS

BRING SUB FWD

YEAS:    11  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT    1

Y Smith	Y Archibong	Y Moore	Y Mitchell
NV Hall	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	B Sheperd	NV Borders

08-O-0824

#14

08-0-0824

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMAN

CEASAR C

MITCHELL

4/29/08

AN ORDINANCE TO AMEND ARTICLE V (ENTITLED "OFFENSES BY AND AGAINST MINORS") OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY CREATING A NEW SECTION 106-229 TO BE ENTITLED "DAY-TIME CUREW" SO AS TO IMPOSE A DAY-TIME CUREW ON MINORS AGES SIX (6) TO SIXTEEN (16) YEARS; AND FOR OTHER PURPOSES.

*John J. ...*

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

PSLA Committee

Date 4/29/08

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

PSLA Committee

Date 7/28/09

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

*[Signature]*

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
☐ Consent ☐ V Vote ☒ FC Vote

CERTIFIED

AUG 17 2009

COUNCIL PRESIDENT PROTOM

*Michael ...*

CERTIFIED  
AUG 17 2009

*Paul ...*  
MUNICIPAL CLERK

MAYOR'S ACTION

ADOPTED BY

Referred To: AUG 17 2009

Referred To: COUNCIL

SUBSTITUTE